



Minutes of: LEBANON CITY COUNCIL MEETING

Date: October 12, 2010

Council of the City of Lebanon met in regular session on October 12, 2010 in the Council Chambers. The meeting was called to order at 7:00 p.m. with the following members present; Messrs: Cole, Heitkamp, Monroe, Norris, Rodriguez, Mrs. Flick and Mayor Brewer. Also present was City Manager Pat Clements, Deputy City Manager, Scott Brunka, City Attorney, Mark Yurick and City Auditor, Sharee' Dick.

The invocation was given by Mr. Norris. Mayor Brewer asked everyone to remain standing for the Pledge of Allegiance.

At this time Mayor Brewer asked for consideration of Council minutes for the September 28 regular meeting. Motion to accept the minutes as submitted was made by Mr. Rodriguez seconded by Dr. Monroe. Roll call vote to adopt was unanimous in favor with Mrs. Flick abstaining due to her absence from the meeting. Motion to adopt the October 5th work session minutes was made by Mr. Norris seconded by Dr. Monroe. Roll call vote to adopt was unanimous in favor with Mrs. Flick abstaining due to her absence from the meeting.

Larry Sheridan and Pete Dipasquella of the Warren County United Soccer Club thanked staff for their support of the past weekend's soccer event. They stated that the Club greatly appreciated their relationship with the City.

Victor Gray of 1208 Fox Hollow Dr. voiced his concerns to Council regarding the unreleased final report from the Fire Marshall from the fire at the racetrack last year. He said that the report was stalled and that there were many people affected by the fire that needed closure and he asked that the City find a way to move the issuance of the report along.

Ordinance No. 2010-101 An Ordinance of the City of Lebanon, Ohio to amend the Official Zoning Map thereof to rezone thereon 1.33 acres of property located at 210 West Main Street from Residential One-Urban (R-1U) to Central Business District (CBD) was read in title only by the City Attorney. This legislation will approve the rezoning of the 1.33 acre parcel located at 210 West Main Street from Residential One-Urban (R-1U) to Central Business District (CBD), as recommended by the Planning Commission. Mr. Clements explained the legislation. Motion to adopt Ordinance No. 2010-101 was made by Mr. Norris seconded by Mr. Heitkamp. Several residents from Corwin Street asked Council to oppose this legislation. Council also voiced their various opinions on the issue. Roll call vote to adopt was as follows: Mayor Brewer reqeud herself from the vote; Mr. Rodriguez, no; Dr. Monroe, yes; Mr. Norris, yes; Mr. Heitkamp, yes; Mr. Cole, yes; Mrs. Flick, no.

Resolution No. 2010-102 A Resolution supporting a Tax Credit Development proposed by Lebanon Senior Housing LLC in conjunction with Frontier Community Services was read in title only by the City Attorney. This legislation will approve supporting the development and construction of a 40-unit senior housing facility to be located on a 12.5 acre parcel on Franklin Road north of the Bentley Woods facility. Mr. Clements explained the legislation. Motion to adopt Resolution No. 2010-102 was made by Mr. Norris seconded by Mr. Heitkamp. After a brief discussion, motion to amend the legislation to read 40 instead of 50 units was made by Mrs. Flick seconded by Mr. Cole. Roll call vote to amend was unanimous in favor. Dr. Monroe voiced his opposition to the legislation. Roll call vote to adopt was as follows: Mr. Cole, no; Dr. Monroe, no; Mrs. Flick, yes; Mr. Norris, yes; Mr. Rodriguez, no; Mr. Heitkamp, yes; Mayor Brewer, yes. (Please see discussion section at end of notes for further action on this legislation).

Ordinance No. 2010-105 An Ordinance authorizing the City Manager to execute a Farm Lease Agreement with Butch Schappacher, and declaring an emergency was read in title only by the City Attorney. This legislation will approve a one year lease with Mr. Butch Schappacher to farm portions of the 50 acre parcel on Columbia Road in exchange for providing mowing services for City-owned property in Columbia Business Park. Mr. Clements explained the legislation. Motion to adopt Ordinance No. 2010-105 was made by Mr. Heitkamp seconded by Dr. Monroe. Roll call vote to adopt was unanimous in favor.

Ordinance No. 2010-106 An Ordinance authorizing the City Manager to execute an Economic Development Agreement with Engineered Plastic Components, Inc., and declaring an emergency was read in title only by the City Attorney. This legislation will approve an Economic Development Agreement with Engineered Plastic Components, Inc. to assume operations of the former Innatech facility on West Street. The agreement will provide EPC with a 50% credit of the kWh taxes paid over a 5 year period contingent upon EPC's sustainment of a taxable annual payroll of at least \$1.35 million. Mr. Clements explained the legislation. Motion to adopt Ordinance No. 2010-106 was made by Mr. Norris seconded by Mr. Rodriguez. Roll call vote to adopt was unanimous in favor.

Motion to consolidate Ordinance Nos. 2010-107 through 2010-114 was made by Mr. Cole seconded by Mr. Norris. Roll call vote to consolidate was unanimous in favor. Mr. Yurick read all the Ordinances in title only.

Ordinance No. 2010-107 An Ordinance authorizing the City Manager to execute an agreement with Utility Sales Agency, LLC. This legislation will approve a 3-year blanket bid agreement with Utility Sales Agency, LLC to provide water system supplies and materials.

Ordinance No. 2010-108 An Ordinance authorizing the City Manager to execute an agreement with Neptune Equipment Company. This legislation will approve a 3-year blanket bid agreement with Neptune Equipment Company to provide water system supplies and materials.

Ordinance No. 2010-109 An Ordinance authorizing the City Manager to execute an agreement with Aqua Technology Group. This legislation will approve a 3-year agreement with Aqua Technology Group to provide water and wastewater telemetry and flow meter maintenance.

Ordinance No. 2010-110 An Ordinance authorizing the City Manager to execute an agreement with Tidewater Products, Inc. This legislation will approve a 1-year agreement with Utility Sales Agency, LLC to provide wastewater sludge polymer.

Ordinance No. 2010-111 An Ordinance authorizing the City Manager to execute an agreement with Allied Specialties, Inc. This legislation will approve a 1-year agreement with Allied Specialties, Inc. to provide wastewater sludge polymer.

Ordinance No. 2010-112 An Ordinance authorizing the City Manager to execute an agreement with Utility Sales Agency, LLC. This legislation will approve a 3-year blanket bid agreement with Utility Sales Agency, LLC to provide water and wastewater system supplies and materials.

Ordinance No. 2010-113 An Ordinance authorizing the City Manager to execute an agreement with Ferguson Waterworks. This legislation will approve a 3-year blanket bid agreement with Ferguson Waterworks to provide water and wastewater system supplies and materials.

Ordinance No. 2010-114 An Ordinance authorizing the City Manager to execute an agreement with Utility Service & Supply Inc. This legislation will approve a 3-year blanket bid agreement with Utility Service & Supply Inc. to provide water and wastewater system supplies and materials.

Mr. Clements explained the legislation and advised they were all 3-year contracts except Ordinance No. 2010-111 for polymer which was a one year contract. Dr. Monroe seconded by Mr. Norris made motion for these Ordinances to receive a first reading.

Ordinance No. 2010-115 An Ordinance amending Chapter 1308 of the Codified Ordinances relating to Flood Damage reduction Standards for Designated Flood Hazard Areas was read in title only by the City Attorney. This legislation will update Section 1308.01 of the City's Building Code to incorporate the revised Flood Insurance Rate Maps that will become effective Dec 17, 2010 as required by the Federal Emergency Management Agency. Based on the new delineation of the 100 year floodplain boundaries, 52 properties have been added to the flood plain and 43 properties have been removed. These 95 affected property owners have been notified of this change by certified mail. Mr. Clements explained the legislation. Mr. Cole seconded by Mr. Norris made motion for this legislation to receive a first reading.

Ordinance No. 2010-116 An Ordinance authorizing the City Manager to execute an agreement with Trend Construction, and declaring an emergency was read in title only by the City Attorney. This legislation will approve an agreement with Trend Construction to perform the South East St Reconstruction Project and the 16 Inch Water Transmission Main Project at a total estimated cost of \$2.27 million. This project consists of reconstruction of East St between Main St and East Park Ave, and the installation of a 16" inch water transmission water main from Cook Road to Main Street. This new water main is part of the water system upgrades necessary to prepare the City for the delivery of wholesale water from the Greater Cincinnati Water Works starting in 2013. Mr. Clements explained the legislation. Motion to adopt Ordinance No. 2010-116 was made by Mr. Norris seconded by Mr. Cole. Roll call vote to adopt was unanimous in favor.

Ordinance No. 2010-117 A Supplemental Appropriation Ordinance and declaring an emergency was read in title only by the City Attorney. This legislation will approve an additional appropriation in the Water System Improvement Fund in the amount of \$350,000 to support the East Street Water Transmission Main Project. Mr. Clements explained the legislation. Motion to adopt Ordinance No. 2010-117 was made by Mr. Norris seconded by Mr. Heitkamp. Roll call vote to adopt was unanimous in favor.

Mrs. Flick asked the City Attorney if she could change her vote on Resolution No. 2010-102. Mr. Yurick reviewed the Rules of Council and explained the process stating if there was no objection from the other members of Council. Mr. Norris objected to Mrs. Flick changing her vote. Dr. Monroe further explained his opposition to the housing project due to the Federal tax credits involved. Mr. Yurick advised there would have to be a motion since Mr. Norris objected to Mrs. Flick changing her vote. Mrs. Flick seconded by Dr. Monroe made motion to allow Mrs. Flick to change her vote from a yes vote to a no vote on Resolution No. 2010-102. Roll call vote on this motion was as follows: Mr. Heitkamp, no; Mr. Norris, no; Mayor Brewer, no; Mr. Cole, yes; Mr. Rodriguez, yes; Mrs. Flick, yes; Dr. Monroe, yes. Motion carried resulting in Resolution No. 2010-102 failing.

Mayor Brewer asked for the City Manager's report. Mr. Clements advised the next work session of Council would be the 18th of October and that the October 19th Planning Commission meeting had been cancelled due to there being no agenda items.

Dr. Monroe thanked the Warren County Untied Soccer Club. He asked Mr. Clements to put the parking issue on Corwin Street on the next work session agenda for discussion.

Mrs. Flick said that Mr. Marion Brant had passed away and that he was 103 years old.

Mr. Heitkamp said he would also like Corwin Street on the next work session agenda.

Mr. Norris commended staff on their hard work and dedication to the City and community.

There being no further business to come before this Council, motion to adjourn the meeting was made by Mr. Cole seconded by Mr. Norris. Roll call vote to adjourn was unanimous in favor. The meeting was adjourned at 8:00 p.m.

Passed:

Mayor

Clerk